

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to child care facilities, including child
2 abuse reporting and the prohibition of certain persons from
3 involvement with child care.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.69, subsection 1, paragraph b, Code
2 2018, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (14) An employee, operator, owner, or
4 other person who performs duties for a children's residential
5 facility certified under chapter 237C.

6 Sec. 2. Section 237A.5, subsection 2, paragraph d, Code
7 2018, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (4) If a person subject to a record
9 check refuses to consent to a record check or if the person
10 makes what the person knows to be a false statement of material
11 fact in connection with a record check, the person shall be
12 prohibited from involvement with child care.

13 Sec. 3. Section 237A.5, subsection 2, paragraph i, Code
14 2018, is amended by striking the paragraph and inserting in
15 lieu thereof the following:

16 *i.* (1) A person subject to an evaluation shall be
17 prohibited from involvement with child care under any of the
18 following circumstances:

19 (a) The person has a record of founded child abuse or
20 dependent adult abuse that was determined to be sexual abuse.

21 (b) The person is listed or is required to be listed on
22 any state sex offender registry or the national sex offender
23 registry.

24 (c) If the person has committed any of the following
25 felony-level offenses:

26 (i) Child endangerment or neglect or abandonment of a
27 dependent person.

28 (ii) Domestic abuse.

29 (iii) A crime against a child including but not limited to
30 sexual exploitation of a minor.

31 (iv) A forcible felony.

32 (v) Arson.

33 (d) The person has a record of a misdemeanor conviction
34 against a child including but not limited to the following
35 offenses:

1 (i) Child abuse.
2 (ii) Child endangerment.
3 (iii) Sexual assault.
4 (iv) Child pornography.
5 (2) If, within five years prior to the date of application
6 for registration or licensure under this chapter, for
7 employment or residence in a child care facility or child care
8 home, or for receipt of public funding for providing child
9 care, a person subject to an evaluation has been convicted
10 of a controlled substance offense or has been found to have
11 committed physical abuse, the person shall be prohibited from
12 involvement with child care for a period of five years from
13 the date of conviction or founded abuse. After the five-year
14 prohibition period, the person may submit an application for
15 registration or licensure under this chapter, or to receive
16 public funding for providing child care or may request an
17 evaluation, and the department shall perform an evaluation
18 and, based upon the criteria in paragraph "h", shall determine
19 whether prohibition of the person's involvement with child care
20 continues to be warranted.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to child care facilities, including child
25 abuse reporting and the prohibition of certain persons from
26 involvement with child care.

27 Code section 232.69(1), relating to mandatory reporters
28 of child abuse, is amended to include an employee, operator,
29 owner, or other person who performs duties for a children's
30 residential facility certified under Code chapter 237C as
31 mandatory reporters of child abuse. Under Iowa law, mandatory
32 reporters of child abuse must comply with certain training and
33 reporting requirements.

34 Under current law in Code section 237A.5 relating to child
35 care personnel, a criminal record check is required for certain

1 persons who provide or are involved with child care. The bill
2 prohibits a person subject to a record check from involvement
3 with child care if the person refuses to consent to a record
4 check or knowingly makes a false statement of material fact in
5 connection with a record check.

6 Under current law, a person is prohibited from involvement
7 with child care if the person has a record of founded child
8 abuse or dependent adult abuse that was determined to be sexual
9 abuse, the person is listed on the sex offender registry
10 under Code chapter 692A, or the person has committed certain
11 felony-level offenses. The bill expands current law to provide
12 that a person is prohibited from involvement with child care if
13 the person is required to be listed on any state sex offender
14 registry or the national sex offender registry and includes
15 arson on the list of prohibited felony-level offenses.

16 The bill provides that a person is prohibited from
17 involvement with child care if the person has a record of
18 a misdemeanor conviction against a child including but not
19 limited to child abuse, child endangerment, sexual assault, and
20 child pornography.

21 Under current law, a person subject to an evaluation who has
22 been convicted of a controlled substance offense under Code
23 chapter 124 is prohibited from involvement with child care
24 for five years from the date of conviction. The bill amends
25 current law to provide a person is prohibited from involvement
26 with child care for any controlled substance conviction.